



FILED

02/08/23

04:59 PM

A2302005

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the County of Fresno, Department of Public Works, on Behalf of Van-G Logistics for an Order Authorizing the Construction of Two Proposed At-Grade Crossings, and Altering One Existing At-Grade Crossing Across DeWolf Avenue on Tracks Owned by Van-G Logistics at Railroad MP 0.10 for the Existing Track and at MP 0.20 and MP 0.30 for the Proposed Crossings in the County of Fresno, CA.

Application No. _____

APPLICATION

In accordance with Rule 3.9 of the Rules of Practice and Procedure of the California Public Utilities Commission (Commission), the Applicant, the County of Fresno (County), on behalf of Van-G Logistics hereby seeks authority from the Commission to construct two proposed at-grade crossings (crossings), and in accordance with Rule 3.9 and Rule 3.8, to alter one existing crossing across DeWolf Avenue in the County. The existing crossing was approved for construction by a County's Application For Road Improvement Permit on July 22, 2002. The County has jurisdiction over the DeWolf Avenue roadway. The Commission has requested that the existing crossing be retroactively authorized formally through the Commission's Formal Application process. With this formal application, the County on behalf of Van-G Logistics wishes to comply with the Commission's request by submitting a formal application for the existing crossing, along with seeking authorization to construct the two proposed crossings. The two proposed crossings will be located parallel to the existing crossing across DeWolf Avenue.

In support of this application, the Applicant asserts that:

1. The Applicant's exact legal name is County of Fresno, hereinafter referred to as County. The County has jurisdiction over the DeWolf Avenue roadway.

2. Applicant's place of business is located at the office of:

County of Fresno
Department of Public Works and Planning
2220 Tulare Street
Fresno, CA 93721

Attn: Steven White – Director, Email: stwhite@fresnocountyca.gov

3. Company proposing crossing work, railroad property owner, and principal mover of railcars on tracks across DeWolf Avenue:

Van-G Logistics
8000 E. Manning Avenue
Fowler, CA 93625

Attn: Roger Van Groningen- President, Email: Roger@vanglostics.com

4. Van-G Logistics is working cooperatively with the County and the Union Pacific Railroad Company (UPRR) to ensure that any issues or concerns that they may have regarding the crossings are addressed. UPRR is the railroad that connects the existing crossing to the UPRR mainline, and will connect the proposed crossings after they are constructed to the UPRR mainline as well.

5. The authorization to construct the two proposed crossings and alter the existing crossing is requested pursuant to Section 1201 through 1205 of the State of California Public Utilities Code, and is made in accordance with Rule 3.9, and Rule 3.9 and Rule 3.8, respectively. All three crossings are spur crossings that are designed to connect to the UPRR mainline. Drawings for the existing and proposed crossings are as shown in Exhibit E.

6. The three crossings are all to comply with Rule 3.9 since they involve construction of a railroad crossing across an existing road. The existing crossing initially required construction of a railroad crossing across a road, DeWolf Avenue. As noted earlier in this document, the Commission has requested that the existing crossing be retroactively authorized formally through the Commission's Formal Application process. The existing crossing, as noted above, will be altered in accordance with Rule 3.8. Both Rule 3.9 and Rule 3.8 require that the crossings also comply with the information required by Rule 3.7.

7. For each of the crossings, the mile post, the proposed DOT crossing number and CPUC crossing number are listed in the following table: (In Exhibit E3, Prop. Xing #1 is the proposed crossing located farthest south).

Crossing Name	Mile Post #	DOT#	CPUC #
Existing Crossing	0.10	980983K	142F-0.10-C
Prop. Xing #1	0.20	980984S	142F-0.20-C
Prop Xing # 2	0.30	980985Y	142F-0.30-C

"C" indicates Spur Crossing.

8. The legal description for the locations of the existing and proposed crossings (Rule 3.7(a)) are provided in Exhibit A, attached hereto and made a part hereof.

9. The crossing identification numbers of the nearest existing public crossings on each side of the proposed crossings (Rule 3.7(b)) are as follows: to the south is the UPRR mainline DeWolf Avenue crossing (CPUC #001B-217.80, DOT #756868P) and to the north is the Manning Avenue crossing (CPUC #001B-217.20, DOT #756867H).

10. The public need for the proposed crossings (Rule 3.7 (c)(1)) are an important element in the planned expansion of Van-G Logistics, which is a planned commercial development located on lands owned and operated by Van-G Logistics. The expansion will increase the freight service capacity of Van-G Logistics currently provided by the existing crossing, which serves transport operations for various commercial operations throughout the County and the State. Van-G Logistics operates on both sides of DeWolf Avenue, and conveys freight to Union Pacific Railroad's transportation corridor via the existing crossing. The new crossings will enable Van-G Logistics to expand operations and serve the increasing commercial needs of the County and region. Rule 3.8 states to identify whether the altered existing crossing will remain within the existing right-of-way, which it will.

11. Building a grade separation instead of the proposed crossings was determined to be impracticable (Rule 3.7 (c)(2)). Van-G Logistics, in consultation with H&H Engineering, has evaluated the crossing options and determined that an at-grade crossing would be

the most effective and efficient option. Both east and west sides of DeWolf Avenue are already developed and include warehouses and docking areas. Any over or under grade separation concept would result in an expanded footprint and significant impacts to the existing facilities and future development of the area.

12. In response to Rule 3.7 (c) (3), all three crossings will be equipped with a Commission Standard 9 warning device on both sides of the crossing. In advance of the warning devices, both approaches will have the following CA MUTCD compliant signage/ striping: a W10-1 advance warning sign, a stop line for vehicles to stop upon approach of a train, and a RXR pavement marking.

13. In Exhibit B, a map shows the relationship of the existing and proposed crossings to existing roads and railroads tracks in the general vicinity of the said crossings, (Rule 3.7 (e)).

14. In Exhibit C, Rule 3.7 (d)), a map shows the location of all streets, roads, tracks, buildings, structures, or other obstructions in more detail along the railroad and highway in each direction from the existing and proposed crossings.

15. In support of the existing and proposed crossings, a letter of concurrence from the County is provided in Exhibit D1, attached hereto, and made a part hereof.

16. In further support of the crossings, The Fresno County General Plan Transportation and Circulation Element incorporates a number of relevant goals related to circulation:

Goal TR-C - To reduce travel demand on the County's roadway system and maximize the operating efficiency of transportation facilities so as to reduce the quantity of motor vehicle emissions and reduce the amount of investment required in new or expanded facilities.

Goal TR-E - To plan for a safe, efficient, and environmentally-sound rail system to meet the needs of all Fresno County residents, industry, commerce, and agriculture.

These goals will be served by expansion of rail transport and associated facilities due to this project. Additionally, increased rail transport will reduce traffic generation and additional air pollutants, while encouraging continuing commerce and economic growth.

The reduction of air pollutants is a general policy objective of Fresno County, which is located in the San Joaquin Valley Air Pollution Control District.

17. Attached as Exhibit E1, E2, and E3, are drawings showing a layout of all three crossings together and a typical DeWolf Avenue roadway cross section for the crossings, the existing crossing (with proposed alterations) alone, and the proposed crossings together without the existing crossing, respectively.

18. Attached as Exhibit F1 and F2, is a Profile of the existing and proposed crossings, respectively.

19. Attached as Exhibit G is Environmental Documentation for this application.

20. Attached as Exhibit H is the Scoping Memo for this application.

21. Attached as Exhibit I is the Verification for this application.

22. Attached as Exhibit J is the Certificate of Service for this application.

23. Attached as Exhibit K is the Environmental and Social Justice Action Plan for this application.

WHEREFORE, the Applicant respectfully requests:

1. That the Public Utilities Commission of the State of California issue an Order authorizing the construction of a proposed at-grade crossing at Milepost 0.20 and 0.30 of tracks that will be owned by Van-G Logistics across DeWolf Avenue, and alter an existing at-grade crossing at Milepost 0.10 of a track owned by Van-G Logistics across DeWolf Avenue, pursuant to the provisions of Section 1201 through 1205, inclusive, of the California Public Utilities Code, and pursuant to Rule 3.9, and Rule 3.9 and 3.8 of the Rules of Practice and Procedure, for the two proposed crossings and the existing crossing, respectively.
2. That the Order provides thirty-six (36) months from the date of such an Order within which to complete the work requested.

Dated at Fresno, California on this 10th day of January, 2023.

Signed Steve White Digitally signed by Steve White
Date: 2023.01.10
14:39:35 -08'00'

Steven White
Director
Department of Public Works and Planning
County of Fresno
2220 Tulare Street
Fresno, CA 93721

LIST OF APPLICATION EXHIBITS

Exhibit A	Legal Description of Crossings
Exhibit B	Vicinity Map (Rule 3.7 (e))
Exhibit C	Location Map (Rule 3.7 (d))
Exhibit D1	Evidence of Project Concurrence (County)
Exhibit E	Crossing Drawings <ul style="list-style-type: none">• EXHIBIT E1 - Layout of The Three Crossings and Typical DeWolf Avenue Roadway Section for Crossings• EXHIBIT E2 - Layout of Existing Crossing (Proposed Alterations)• EXHIBIT E3 - Layout of Proposed Crossings
Exhibit F	Crossing Profiles <ul style="list-style-type: none">• EXHIBIT F1 – Profile at Existing Crossing• EXHIBIT F2 – Profile at Proposed Crossings
Exhibit G	Environmental Documentation
Exhibit H	Scoping Memo
Exhibit I	Verification
Exhibit J	Certificate of Service
Exhibit K	Environmental and Social Justice Action Plan

Exhibit A

Legal Description of Crossings

A PORTION OF SOUTH DEWOLF AVENUE ROAD RIGHT OF WAY

PARCEL 1

The East 30 Feet of the South 100 Feet of the Northeast Quarter of the Northeast Quarter of Section 26, Township 15 South, Range 21 East, Mount Diablo Base and Meridian.

Containing 0.069 acres of land, more or less.

See Exhibit "A"

PARCEL 2

The East 30 Feet of the North 100 Feet of the Southeast Quarter of the Northeast Quarter of Section 26, Township 15 South, Range 21 East, Mount Diablo Base and Meridian.

Containing 0.069 acres of land, more or less.

See Exhibit "A"

PARCEL 3

The West 20 Feet of the South 100 Feet of the Northwest Quarter of the Northwest Quarter of Section 25, Township 15 South, Range 21 East, Mount Diablo Base and Meridian.

Containing 0.046 acres of land, more or less.

See Exhibit "A"

PARCEL 4

The West 30 Feet of the North 100 Feet of the Southwest Quarter of the Northwest Quarter of Section 25, Township 15 South, Range 21 East, Mount Diablo Base and Meridian.

EXCEPTING THEREFROM the North 20 Feet of the East 10 Feet of the West 30 Feet of the Southwest Quarter of the Northwest Quarter of Section 25, Township 15 South, Range 21 East, Mount Diablo Base and Meridian.

Containing 0.064 acres of land, more or less.

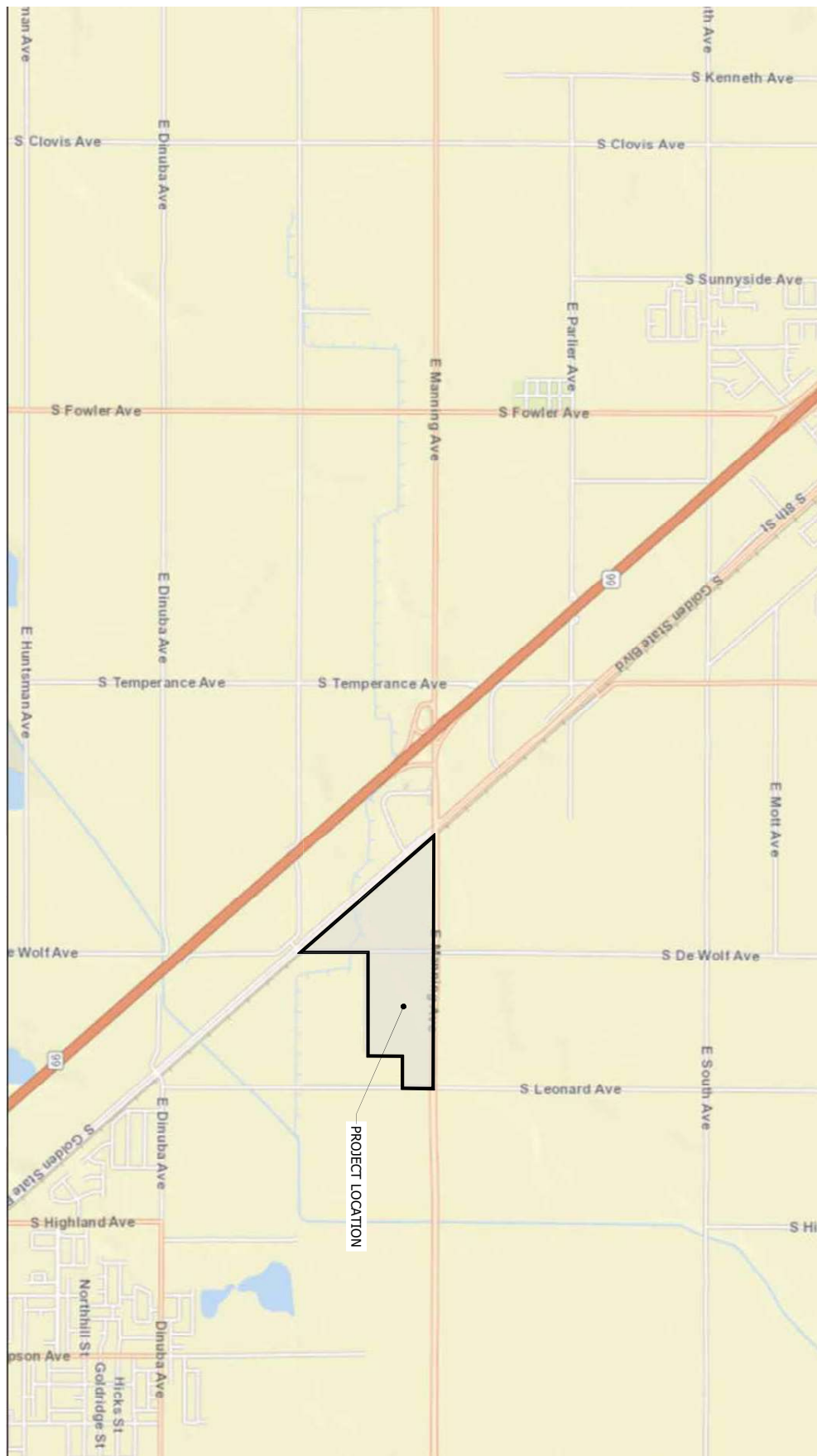
See Exhibit "A"



Exhibit B

Vicinity Map (Rule 3.7 (e))

VICINITY MAP



VICINITY MAP

**8000 E MANNING AVE
VAN G LOGISTICS RAIL CROSSING
FOWLER, CALIFORNIA**

JOB NO. VAN G
DATE 12/02/2022 13:04
SCALE AS SHOWN
DRL BY NR
CHK BY NR
FILE

REVISIONS			
NO.	DESCRIPTIONS	DATE	APPROVED

H&H ENGINEERING
212 INDUSTRIAL DRIVE
STOCKTON, CA 95206
PHONE (209) 983-0708

PREPARED UNDER THE DIRECTION OF:

RAY C. BOGREN

R.C.E. 073851

EXP. 6-30-23

DATE



Exhibit C

Location Map (Rule 3.7 (d))

[illegible]

Exhibit D1

Evidence of Concurrence (County)

I, Steven White, an employee of the County of Fresno, authorized to sign this statement of agreement, hereby declare that the County of Fresno concurs with Van-G Logistics request to alter the existing crossing, and construct two proposed crossings across DeWolf Avenue as described in this application.

Signed **Steve White** Digitally signed by Steve White
Date: 2023.01.10 15:02:17
-08'00' Date 1/10/2023

Steven White
Director
Department of Public Works and Planning
County of Fresno
2220 Tulare Street
Fresno, CA 93721

Exhibit E

Crossing Drawings

- **EXHIBIT E1** - Layout of The Three Crossings and Typical DeWolf Avenue Roadway Section for Crossings
- **EXHIBIT E2** - Layout of Existing Crossing (Proposed Alterations)
- **EXHIBIT E3** - Layout of Proposed Crossings

[illegible]

[illegible][illegible]

Technical drawing of a road cross-section showing lane markings and dimensions. The drawing includes a top view of a road with a central 'X' marking and a side view showing lane widths and offsets. Dimensions are given in meters (m) and feet (ft).

Top View Dimensions:

- Overall width: 11.0 m (36 ft)
- Left shoulder: 1.5 m (5 ft)
- Left lane: 3.0 m (10 ft)
- Center line: 0.5 m (1 ft 6 in)
- Right lane: 3.0 m (10 ft)
- Right shoulder: 1.5 m (5 ft)

Side View Dimensions:

- Overall width: 11.0 m (36 ft)
- Left shoulder: 1.5 m (5 ft)
- Left lane: 3.0 m (10 ft)
- Center line: 0.5 m (1 ft 6 in)
- Right lane: 3.0 m (10 ft)
- Right shoulder: 1.5 m (5 ft)

Notes:

- Notes may vary according to your state.
- Notes may vary according to your state.

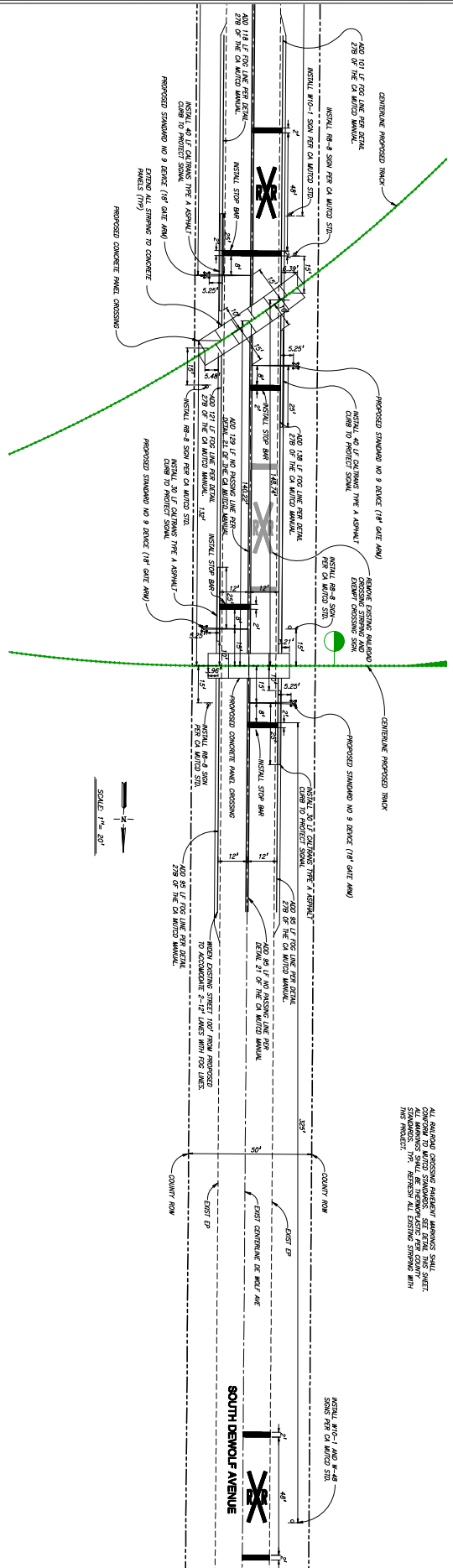
November 7, 2014



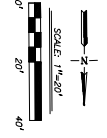
EXHIBIT E3

LAYOUT OF PROPOSED CROSSINGS

ALL MAINTENANCE CROSSINGS MUST BE MAINTAINED AT ALL TIMES. ALL MAINTENANCE SHALL BE THE RESPONSIBILITY OF THE COUNTY. THE PROJECT WILL BE COMPLETED BY THE COUNTY.



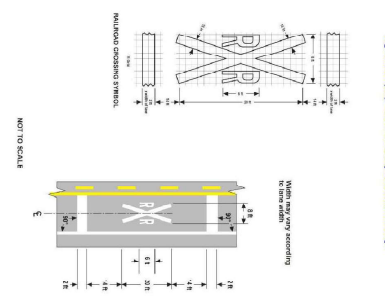
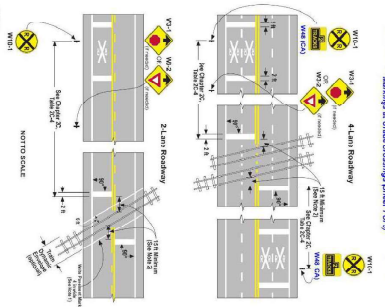
MAINTENANCE CROSSING OPERATION:
ALL MAINTENANCE CROSSINGS SHALL BE MAINTAINED AT ALL TIMES. ALL MAINTENANCE SHALL BE THE RESPONSIBILITY OF THE COUNTY. THE PROJECT WILL BE COMPLETED BY THE COUNTY.



NOTE: ALL CROSSINGS SHALL BE INSTALLED PER CURRENT CA MUTCD STANDARDS FOR HEIGHT AND ALIGNMENT.

Figure 1319

Figure 1323



NOTE: The design detail is also shown in Department of Transportation Standard Plans.



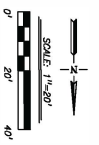
Exhibit F

Crossing Profile

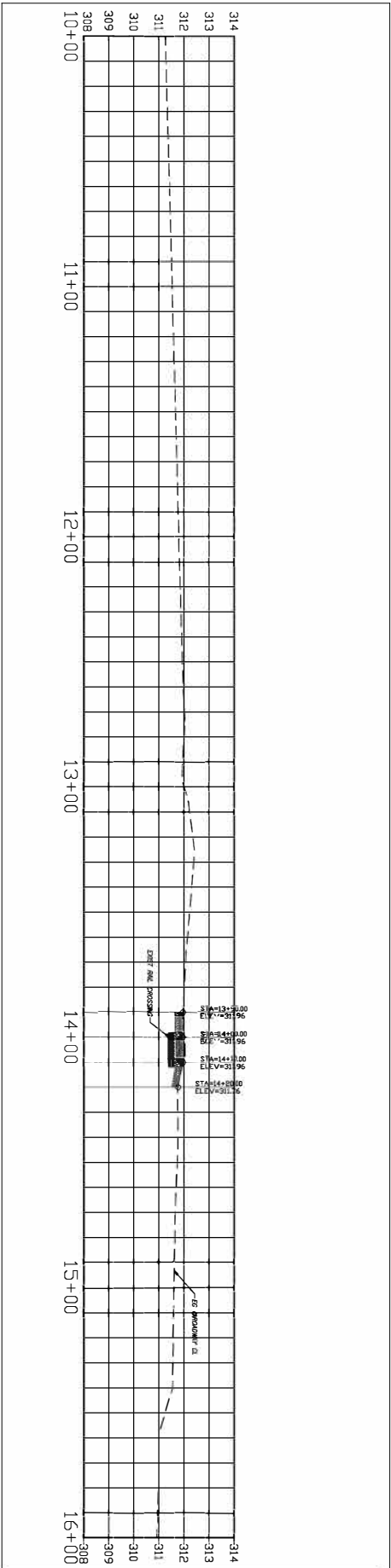
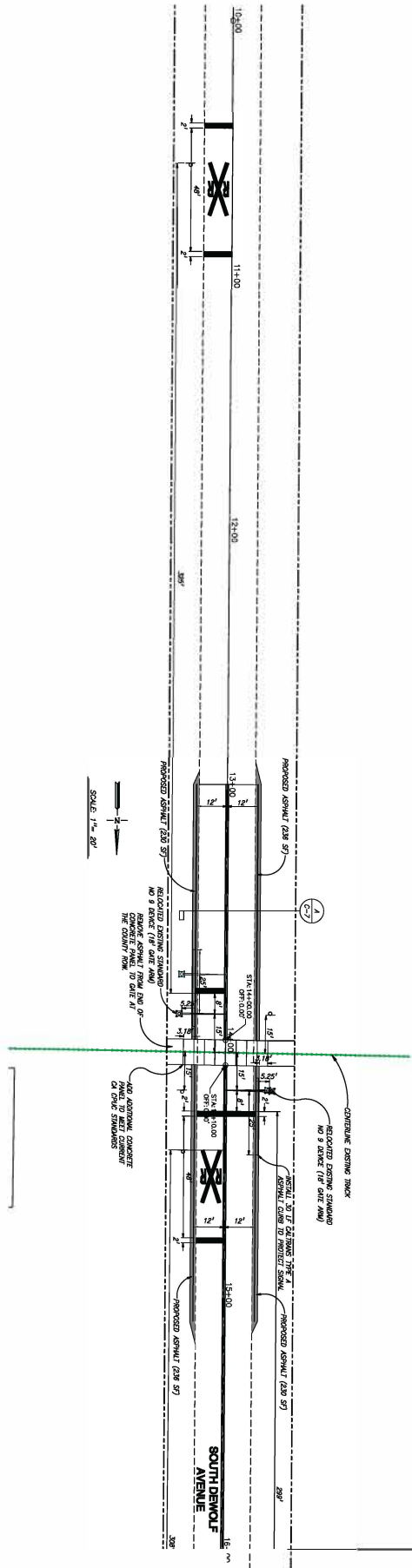
- **EXHIBIT F1** – Profile At Existing Crossing
- **EXHIBIT F2** - Profile At Proposed Crossings

EXHIBIT F1

PROFILE AT EXISTING CROSSING



MATCHLINE
STA:16+00
SHEET C-4



PROFILE AT EXISTING CROSSING

8000 E MANNING AVE
VAN G LOGISTICS RAIL CROSSING
FOWLER, CALIFORNIA

JOB NO. VAN G
DATE 11/15/2022 13:43
SCALE AS SHOWN
DR. BY RL
CK. BY RL
FILE:

NO.	DESCRIPTIONS	DATE	APPROVED

H&H ENGINEERING
212 INDUSTRIAL DRIVE
STOCKTON, CA 95206
PHONE (209) 963-0708

PREPARED UNDER THE DIRECTION OF:

RAY L. BOGGER E.C.C. 07801 SPP. 8-00-93 SWS

REGISTERED PROFESSIONAL ENGINEER
RAY L. BOGGER
No. 078851
Exp. 09-09-13
CIVIL
STATE OF CALIFORNIA

MATCHLINE
STA: 16+00
SHEET C-3



**8000 E MANNING AVE
VAN G LOGISTICS RAIL CROSSING
FOWLER, CALIFORNIA**

REVISIONS			
NO.	DESCRIPTIONS	DATE	APPROVED

RYAN C. BOJUREN ROC C75851 CP 6-30-73



Exhibit G

Environmental Documentation



E202210000305
County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
STEVEN E. WHITE, DIRECTOR

NOTICE OF EXEMPTION

TO: ☒ Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

☒ County Clerk, County of Fresno
2221 Kern Street
Fresno, CA 93721

FILED
OCT 20 2022 TIME 4:03pm
FRESNO COUNTY CLERK
By *Cyan Edmisten* DEPUTY
Cyan Edmisten

For County Clerk's Stamp

FROM: Fresno County Department of Public Works and Planning
Development Services and Capital Projects Division
2220 Tulare Street (corner of Tulare and "M") Suite "A", Fresno, CA 93721

PROJECT TITLE: The proposed railroad crossings on DeWolf Avenue to support adjacent Industrial operations.

PROJECT LOCATION – COUNTY: The proposed railroad crossings will be crossing DeWolf Avenue within a quarter-mile section of DeWolf Avenue south of Manning Avenue.

DESCRIPTION OF PROJECT: The proposed railroad crossings on DeWolf Avenue is intended to serve the existing/proposed industrial uses on a 67.58-acre site to the east.

NAME OF PUBLIC AGENCY APPROVING PROJECT: The Director of Fresno County Department of Public Works and Planning,

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: Fresno County Department of Public Works and Planning, Development Services and Capital Projects Division.

EXEMPT STATUS: Categorical exemption: Section 15061(b)(3) *Common Sense Exemption*.

REASONS WHY THE PROJECT IS EXEMPT: The proposed railroad crossings will not expand the capacity of the existing main railroad system currently serving adjacent industrial operations. Rather, it will improve the logical extension of the existing railroad system configured for industrial uses. There are no impacts to flood hazards, air quality, transportation or noise associated with operation of railroad crossings.

LEAD AGENCY

CONTACT PERSON: Ejaz Ahmad

AREA CODE/TELEPHONE: (559) 600-4204

If filed by the applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project?
☐ Yes ☐ No



State of California - Department of Fish and Wildlife
**2022 ENVIRONMENTAL DOCUMENT FILING FEE
CASH RECEIPT**
DFW 753.5a (REV. 01/01/22) Previously DFG 753.5a

RECEIPT NUMBER:

E202210000305

STATE CLEARINGHOUSE NUMBER (if applicable)

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY	LEAD AGENCY EMAIL	DATE
COUNTY OF FRESNO		10/20/2022
COUNTY/STATE AGENCY OF FILING		DOCUMENT NUMBER
FRESNO COUNTY		E202210000305
PROJECT TITLE		

THE PROPOSED RAILROAD CROSSINGS ON DEWOLF AVENUE TO SUPPORT ADJACENT INDUSTRIAL OPERATIONS

PROJECT APPLICANT NAME	PROJECT APPLICANT EMAIL	PHONE NUMBER
COUNTY OF FRESNO; DEPARTMENT OF PUBLIC WORKS AND		(559) 600-4204
PROJECT APPLICANT ADDRESS	CITY	STATE
2220 TULARE STREET	FRESNO	CA
		ZIP CODE
		93721

PROJECT APPLICANT (Check appropriate box)

☒ Local Public Agency ☐ School District ☐ Other Special District ☐ State Agency ☐ Private Entity

CHECK APPLICABLE FEES:

<input type="checkbox"/> Environmental Impact Report (EIR)	\$3,539.25	\$	0.00
<input type="checkbox"/> Mitigated/Negative Declaration (MND)(ND)	\$2,548.00	\$	0.00
<input type="checkbox"/> Certified Regulatory Program (CRP) document - payment due directly to CDFW	\$1,203.25	\$	0.00

☐ Exempt from fee
☐ Notice of Exemption (attach)
☐ CDFW No Effect Determination (attach)
☐ Fee previously paid (attach previously issued cash receipt copy)

<input type="checkbox"/> Water Right Application or Petition Fee (State Water Resources Control Board only)	\$850.00	\$	0.00
<input checked="" type="checkbox"/> County documentary handling fee	\$50.00	\$	50.00
<input checked="" type="checkbox"/> Other CATEGORICAL EXEMPTION		\$	0.00

PAYMENT METHOD:

☐ Cash ☒ Credit ☐ Check ☐ Other

TOTAL RECEIVED \$ 50.00

SIGNATURE

X

AGENCY OF FILING PRINTED NAME AND TITLE

Cyan Edmisten Deputy Clerk

County of Fresno
Clerk's Office
James A. Kus

Elections Department
(559) 600-8683

Clerk Services Department
(559) 600-2575

Finalization 2022021680
10/20/2022 04:02 PM
CCR572471 Cedmisten

Description	Fee
EIR Administrative Fee	
Time Recorded: 4:02 PM	
Recording Fee:	\$50.00
Total Amount Due	\$50.00
Total Paid	
Credit Card	\$50.00
#203665751	
Amount Due	\$0.00

E202210000305

THANK YOU
PLEASE KEEP FOR REFERENCE

E202210000305

Signature: _____

David Randall, Senior Planner

Date: _____

10/20/22

- ☒ Signed by Lead Agency
☐ Signed by Applicant

Date received for filing at OPR: _____

EA: DR; cwm

G:\4360Devs&PIn\PROJSEC\PROJDOCS\AA\3800-3899\3832 - See GPA 555\IS-CEQA\DeWolf Crossing NOE (Final).docx

Exhibit H

Scoping Memo

EXHIBIT H

Scoping Memo Information for Application

A. Category (Check the category that is most appropriate)

☐ **Adjudicatory** - "Adjudicatory" proceedings are: (1) enforcement investigations into possible violations of any provision of statutory law or order or rule of the Commission; and (2) complaints against regulated entities, including those complaints that challenge the accuracy of a bill, but excluding those complaints that challenge the reasonableness of rates or charges, past, present, or future, such as **formal rough crossing complaints** (maximum 12 month process if hearings are required).

☒ **Ratesetting** - "Ratesetting" proceedings are proceedings in which the Commission sets or investigates rates for a specifically named utility (or utilities), or establishes a mechanism that in turn sets the rates for a specifically named utility (or utilities). "Ratesetting" proceedings include complaints that challenge the reasonableness of rates or charges, past, present, or future. Other proceedings may also be categorized as ratesetting when they do not clearly fit into one category, such as **railroad crossing applications** (maximum 18 month process if hearings are required).

☐ **Quasi-legislative** - "Quasi-legislative" proceedings are proceedings that establish policy or rules (including generic ratemaking policy or rules) affecting a class of regulated entities, including those proceedings in which the Commission investigates rates or practices for an entire regulated industry or class of entities within the industry.

B. Are hearings necessary?

☐ Yes

☒ No

If yes, identify the material disputed factual issues on which hearings should be held, and the general nature of the evidence to be introduced. Railroad crossing applications which are not controversial usually do not require hearings.

Are public witness hearings necessary?

☐ Yes

☒ No

Public witness hearings are set up for the purpose of getting input from the general public and any entity that will not be a party to the proceeding. Such input usually involves presenting written or oral statements to the presiding officer, not sworn testimony. Public witness statements are not subject to cross-examination.

C. Issues - List here the specific issues that need to be addressed in the proceeding.

None

D. Schedule (Even if you checked "No" in B above) Should the Commission decide to hold hearings, indicate here the proposed schedule for completing the proceeding within 12 months (if categorized as adjudicatory) or 18 months (if categorized as ratesetting or quasi-legislative).

The schedule should include proposed dates for the following events as needed:

February 20, 2023 (Tentative) Prehearing conference

N/A Hearings

N/A Briefs due

N/A Submission

N/A Proposed decision (90 days after submission)

N/A Final decision (60 days after proposed decision is mailed)

Exhibit I

Verification

I am an employee of the County of Fresno, Applicant herein, and am authorized to make this verification on its behalf. The contents of this document are true of my own knowledge, except as matters that are stated on information or belief, and as to those matters, I believe them to be true.

Dated this 31st day of January, 2023 at Fresno, California.

Signed Steve White Digitally signed by Steve White
Date: 2023.01.31 11:58:15
-08'00'

Steven White, Director
Department of Public Works and Planning
County of Fresno
2220 Tulare Street
Fresno, CA 93721

Exhibit J

Certificate of Service

CERTIFICATE OF SERVICE

I, Jeffrey Martin, of the County of Fresno, on behalf of Van-G Logistics, certify that I have this day mailed a copy of the attached Application and Exhibits in the above captioned proceeding by FedEx, or if noted, by e-mail or hand delivery, to each party named in the following service list, on this ____ day of _____, 2023 at Fresno, California.

By: _____
Jeffrey Martin, Senior Staff Analyst
Department of Public Works and Planning
559-600-4509, jefmartin@fresnocountyca.gov

Service List

Parties:

Steven White
Director
Department of Public Works and Planning
County of Fresno
stwhite@fresnocountyca.gov
Email Only

Roger Van Groningen
President
Van-G Logistics
Roger@vanglogistics.com
Email Only

Peggy Ygbuhay
Western States Public Project Manager
Union Pacific Railroad Company
pygbuhay@up.com
Email Only

Anton Garabetian
Program Manager
Rail Crossings and Engineering Branch
California Public Utilities Commission
antranig.garabetian@cpuc.ca.gov
Email Only

Marvin Kennix
Utilities Engineer
Rail Crossings and Engineering Branch
California Public Utilities Commission
marvin.kennix@cpuc.ca.gov
Email Only

Felix Ko
Senior Utilities Engineer, Supervisor
Rail Crossings and Engineering Branch
California Public Utilities Commission
Felix.Ko@cpuc.ca.gov
Email Only

Exhibit K

Environmental And Social Justice Action Plan

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the County of Fresno, Department of Public Works, on Behalf of Van-G Logistics for an Order Authorizing the Construction of Two Proposed At-Grade Crossings, and Altering One Existing At-Grade Crossing Across DeWolf Avenue on Tracks Owned by Van-G Logistics at Railroad MP 0.10 for the Existing Track and at MP 0.20 and MP 0.30 for the Proposed Crossings in the County of Fresno, CA.

Application No. _____

CPUC ENVIRONMENTAL AND SOCIAL JUSTICE ACTION PLAN
AT GRADE CROSSINGS AT DEWOLF AVENUE IN FRESNO COUNTY

In accordance with Rule 3.9 of the Rules of Practice and Procedure of the California Public Utilities Commission (Commission), the Applicant, the County of Fresno (County), on behalf of Van-G Logistics hereby seeks authority from the Commission to construct two proposed at-grade crossings (crossings), and in accordance with Rule 3.9 and Rule 3.8, to alter one existing crossing across DeWolf Avenue in the County. The Project is located on property primarily owned and operated by Van-G Logistics, in central Fresno County, north of the City of Selma. According to the Office of Environmental Health Hazard Assessment's (OEHHA) California Communities Environmental Health Screening Tool (CalEnviroScreen), the Project is located within one census tract with a CalEnviroScreen score of 87 percentile.

In support of this Application, and that the noted project is consistent with the Commission's Environmental and Social Justice (ESJ) Action Plan, and the Commission's vision to advance equity in its programs and policies for environmental and social justice in the Project's surrounding communities, the County respectfully submits the ESJ plan herein. The objective of the new at-grade crossings along DeWolf Avenue is to support existing and future freight traffic and logistical movement of goods

consistent with the County's adopted plans, and to enhance safety for motorists, pedestrians, and cyclists, while meeting railroad clearance requirements.

Goal 1: Consistently integrate equity and access considerations throughout CPUC proceedings and other efforts.

The application and project are consistent with the advancement of this goal. In support of this application, the County of Fresno submitted a Notice of Exemption. There are no impacts to flood hazards, air quality, transportation or noise associated with the extension and operation of the railroad crossings. There are no equity or access concerns associated with project impacts, and it's anticipated that the project will improve job and logistics access for nearby disadvantaged communities.

Goal 2: Increase investment in clean energy resources to benefit ESJ communities, especially to improve local air qualities and public health.

The application and project are consistent with the advancement of this goal. The project location is within the San Joaquin Air Pollution District's non-attainment area, and reductions of local and regional pollutants is a goal of the County. It is anticipated that the resulting increased efficiencies and ability to allow containers to be loaded onto rail cars directly on site will result in a reduction of up to 150 truck trips per day, to and from the ports of Long Beach and Oakland. This long-trip reduction will help to reduce traffic congestion and contribute to improving local and regional air quality and public health.

Goal 3: Strive to improve access to high quality water, communications, and transportation services for ESJ communities.

The application and project are consistent with the advancement of this goal. There are no anticipated water or communications impacts associated with these crossings, however the transportation and logistics network should contribute to improved

efficiency which will reduce congestion. For the traffic impact analysis, a worst-case increase in traffic of approximately 35 new employees and 30 truck trips per day was used for surrounding roads to pick up railroad product. This is considered a less than significant impact for the local streets. Additionally, the anticipated long-trip reductions mentioned above should improve logistical accessibility for the local communities, many of which are historically disadvantaged.

Goal 4: Increase climate resiliency in ESJ communities.

The application and project are consistent with this goal. As mentioned above, the project is anticipated to result in reduced statewide trucking, which should contribute to reduced emissions. As such, the project is anticipated to result in environmental benefits that will increase climate resiliency throughout the state.

Goal 5: Enhance outreach and public participation opportunities for ESJ communities to meaningfully participate in the CPUC's decision-making process and benefit from CPUC's programs.

The application and project are consistent with this goal, as there have been opportunities for the community and stakeholders to be informed and involved with the Project development. The CEQA Notice of Exemption was filed with the County Clerk and the State's Office of Planning and Research for comment. Additionally, prior to submission of the application, an item was presented to the County's Board of Supervisors at a regular, published hearing, which provided the public an opportunity to provide feedback. The Agenda for that meeting was published a week in advance of the meeting, and was made publicly available.

Goal 6: Enhance enforcement to ensure safety and consumer protection for all, especially for ESJ communities.

The application and project are consistent with the advancement of this goal. The project will enhance safety for motorists, pedestrians, and cyclists, and will meet railroad clearance requirements.

Goal 7: Promote economic and workforce development opportunities in ESJ communities.

The application and project are consistent with the advancement of this goal. As mentioned above, the project is likely to create approximately 35 new jobs for the surrounding communities. It is also likely that employment opportunities will be created during the construction phase, and that other jobs will be created elsewhere by the increased commerce opportunities generated by the improved logistical efficiencies.

Goal 8: Improve training and staff development related to ESJ issues within the CPUC's jurisdiction.

Applicant defers to staff in relation to this topic, as it is an internal CPUC goal.

Goal 9: Monitor CPUC's ESJ efforts to evaluate how they are achieving their objectives.

Applicant defers to staff in relation to this topic, as it is an internal CPUC goal.